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OFFICE OF PETITIONS

In re Application of :
Jang-Keun Oh :
Application No. 10/053,839 :
Filed : October 22, 2001 :
Attorney Docket No. AB-1114 US :

This is a decision on the renewed petition under 37 CFR 1.10(c), filed May 11, 2004.

The renewed petition is granted.

The instant petition was filed to correct the filing date accorded the above-cited application. Petitioner argued that the correct filing date for the application is October 22, 2001, not January 22, 2002, as was originally accorded. In support thereof, petitioner filed a copy of the Track and Confirm sheet from the United States Post Office website showing an Express Mail package with label number EL699358526US as being enroute on October 22, 2001, but not being delivered at the United States Patent and Trademark Office until January 23, 2002.¹ Further, as part of the renewed petition, petitioner provided an explanation for the delay in filing the petition and for the delay in the arrival of the package at the United States Patent and Trademark Office. Petitioner still maintains that petitioner is unable to obtain a true copy of the Express Mail label as is a requirement of 37 CFR 1.10(c).

The arguments made in the renewed petition are persuasive, therefore; the requirement of 37 CFR 1.10(c)(3) that a true copy of the Express Mail label accompany the petition will be waived *sua sponte* pursuant to 37 CFR 1.183. The instant renewed petition is granted as petitioner has satisfied the remaining requirements of 37 CFR 1.10(c).

The application will be directed to the Office of Initial Patent Examination where the filing date for the application will be noted as October 22, 2001, and properly made of record. The Office of Initial Patent Examination will issue a corrected filing receipt, in due course.

Further questions regarding this decision should be addressed to the undersigned at (703) 305-0010.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

¹ The subject Express Mail number was also found on the transmittal sheet that accompanied the original application papers.